

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2491 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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H M PANDYA

Versus

GUJARAT PANCHAYAT SERVICE                  SELECTION BOARD

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Appearance:

MS MAMTA VYAS for Petitioners

None present for Respondent No. 1

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/07/97

ORAL JUDGMENT

#. The petitioners, employees working in the office of the District Panchayat, Mehsana, filed this Special Civil Application and prayer has been made that directions be issued to the respondents to give options to the petitioners either for the common clerical cadre or for the accounts cadre. This prayer has been incorporated by petitioners by amending the Specail Civil Application.

#. The grievance of the petitioner is that there are two cadres in the services of District Panchayat, Mehsana, i.e. clerical cadre and accounts cadre. While giving them appointment it was not specified whether they have been recruited and appointed in clerical general cadre or accounts cadre and as such, they have prayed for directions to the respondents to take from them this option.

#. The learned counsel for the petitioners produced on record of this file a document, i.e. letter of Deputy District Development Officer, District Panchayat, Mehsana, dated 4.7/9.94, under which option has been called from the petitioners in the clerical general cadre or accounts cadre. In view of this letter, now nothing survives in this Special Civil Application and it has become infructuous.

#. However the learned counsel for the petitioners contended that respondents have to give seniority to the petitioners accordingly in the cadre concerned for which they are given option. This prayer is pre-mature at this stage. It is case that when the option from petitioners will be accepted, and after finalization of their option they have to be given seniority in the appropriate cadre for which they have opted and which stage so far has not been reached. It is not case of the petitioners that such stage has been reached. The prayer for direction to the respondent for assigning seniority to the petitioners in respective cadres is therefore pre-mature. However, dismissal of this petition will not come in way of the petitioners in case in future they have any grievance regarding assignment of seniority in the cadre which they have opted.

#. In the result, this Special Civil Application is dismissed as having become infructuous. Rule discharged. Interim relief, if any, granted by this Court, stands vacated. No order as to costs.

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